MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT

OF THE

SECRETARY OF STATE,

MADE IN OBEDIENCE TO A

RESOLUTION OF THE HOUSE OF REPRESENTATIVES

OF THE

NINTH INSTANT,

REQUESTING

INFORMATION TOUCHING THE CONDUCT

OF

BRITISH OFFICERS

TOWARDS

PERSONS TAKEN IN AMERICAN ARMED SHIPS.

DECEMBER 22, 1812.

Read, and referred to the committee on Foreign Relations.

WASHINGTON:

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1812.

MESSAGE.

To the House of Representatives of the United States.

I transmit to the House of Representatives a report of the Secretary of State, complying with their resolution of the 9th instant.

JAMES MADISON.

December 21st, 1812.

REPORT.

THE secretary of state, to whom was referred the resolution of the house of representatives of the 9th instant, requesting information touching the conduct of British officers towards persons taken in American armed ships, has the honor to lay before the president the accompanying papers marked A. B. C. from which it appears, that certain persons, some of whom are said to be native, and others naturalized citizens of the United States, being parts of the crews of the United States' armed vessels the "Nautilus" and the "Wasp," and of the private armed vessel, the "Sarah Ann", have been seized, under the pretext of their being British subjects, by British officers for the avowed purpose, as is understood, of having them brought to trial for their lives, and that others, being part of the crew of the Nautilus, have been taken into the British service.

The secretary of state begs leave also to lay before the president the papers marked D. and E. From these it will be seen, that whilst the British naval officers arrest as criminals such persons taken on board American armed vessels as they may consider British subjects, they claim a right to retain on board British ships of war American citizens who may have married in England, or been impressed from on board British merchant vessels; and that they consider an impressed American, when he is discharged from one of their ships, as a prisoner of war. All which is respectfully submitted.

JAMES MONROE.

Department of State,
December 19, 1812.

DOCUMENTS.

A. No. 1.

Extract of a letter from Lt. F. H. Babbitt to master commandant Wm. M. Crane, of the U. S. navy, (late of the U. S. brig Nautilus,) dated

BOSTON, Mass. 13th Sept. 1812.

Enclosed I send you a description of the proportion of our little crew, who have been so debased and traitorous as to enter the service of our enemy. Also, a list * of those gallant fellows, whose glory it would have been to have lost their lives in the service of their country, and whose misfortune it has been to cross the *Atlantic* on suspicion of their being British subjects : four of them, native born Americans, and two naturalized citizens. On their parting with me, and removal from the Africa of 64 guns to the Thetis frigate (the latter with a convoy from England, then in 43. 30. N. and 46. 30. W.) their last request and desire was that I would particularly acquaint you with their situation, with their determination never to prove *traitors* to that country whose flag they were proud to serve under, and whose welfare and prosperity they equally hoped and anticipated to realise.

(Signed) F. H. BABBITT.

A list of men said to have entered on board his B. M. frigate Shannon, commodore Broke. Their description as far as known.

JESSE BATES, seaman, about 5 feet 9 inches high, dark hair and complexion, dark snapping eyes,

* This list not received.

has an impediment in his speech, and at times affects lunacy ; has a wife and family in Boston, Mass.

SAMUEL LANG, marine, born in Kentucky, 5 feet 8 inches high, or thereabouts, and is supposed to be with capt. Hall of U. S. marines, New York.

JOHN YOUNG, marine, 5 feet 5 inches high, large mouth, enlisted with capt. Hall, navy yard, New York ; when addressed, or is addressing an officer, casts down his eyes. For his particular description as well as that of JOHN ROSE, marine, about 5 feet 8 inches high, brown hair, full face, thick set, and a scowl in his countenance, refer to capt. John Hall.

JOHN O'NEAL, seaman, about 25 years of age, 5 feet 5 inches high, dark hair, sharp face, dark eyes, thick set, and was shipped at Norfolk, Va. previous to your taking command of the Nautilus.

WILLIAM JONES, od. seaman, about 5 feet 8 inches high, light hair, 24 years of age, full face, thick set, down cast look, and is a very alert man ; entered at New York April last.

(Signed) F. H. B.

A. No. 2.

Sir John Borlase Warren to Mr. Monroe.

HALIFAX, 30th September, 1812.

SIR,

Having received information that a most unauthorized act has been committed by commodore Rodgers, in forcibly seizing twelve British seamen, prisoners of war, late belonging to the Guerriere, and taking them out of the English cartel brig Endeavour

on her passage down the harbour of Boston, after they had been regularly embarked on board of her for an exchange, agreeable to the arrangements settled between the two countries, and that the said British seamen, so seized, are now detained on board the United States frigate President as hostages; I feel myself called upon to request, sir, your most serious attention to a measure so fraught with mischief and inconvenience, destructive of the good faith of a flag of truce and the sacred protection of a cartel. I should be extremely sorry that the imprudent act of any officer should involve consequences so particularly severe as the present instance must naturally produce if repeated; and although it is very much my wish, during the continuance of the differences existing between the two countries, to adopt every measure that might render the effect of war less rigorous, yet, in another point of view, the conviction of the duty I owe my country would, in the event of such grievances as I have already stated being continued, not admit of any hesitation in retaliatory decisions: but as I am strongly persuaded of the high liberality of your sentiments, and that the act complained of has originated entirely with the officer who committed it, and that it will be as censurable in your consideration as it deserves, I rely upon your taking such steps as will prevent a recurrence of conduct so extremely reprehensible in every shape.

I have the honor to be,
With the highest consideration,
Sir,
Your most obedient and most
Faithful humble servant,

(Signed) JOHN BORLASE WARREN,
Amiral of the Blue and commander in chief, &c.

His excellency James Monroe, Esq.
Secretary of State.

Mr. Monroe to Sir John Borlase Warren.

DEPARTMENT OF STATE,
October 28th, 1812.

SIR,

I have had the honor to receive your letter of the 30th September, complaining that commodore Rodgers, commanding a squadron of the U. States' navy at the port of Boston, had taken twelve British seamen, lately belonging to his Britannic majesty's ship the Guerriere, from a cartel in the harbour of Boston, and that he detained them on board the President, a frigate of the United States, as hostages.

I am instructed to inform you that inquiry shall be made into the circumstances attending, and the causes which produced the act of which you complain, and that such measures will be taken, on a knowledge of them, as may comport with the rights of both nations, and may be proper in the case to which they relate.

I beg you, sir, to be assured that it is the sincere desire of the president to see (and to promote, so far as depends on the United States) that the war which exists between our countries be conducted with the utmost regard to humanity.

I have the honor, &c. &c.

(Signed) JAMES MONROE.

Sir John Borlase Warren,
Admiral of the Blue and
Commander in chief, &c. &c.

B.

WASHINGTON, December 17, 1812.

SIR,

I have the honor to annex a list of twelve of the crew of the late United States' sloop of war Wasp, detained by captain John Barresford, of the British ship Poictiers, under the pretence of their being British subjects.

I have the honor to be,
Respectfully, sir,
Your obedient servant,
GEO. S. WISE, purser.

The hon. Paul Hamilton,
Secretary of the Navy.

LIST referred to in the preceding note marked B.

John M'Cloud,	boatswain,	Has been in the service since 1804. Married in Norfolk in 1804 or 5, and has a wife and 4 children there.
John Stephens,	boatswains' mate,	Has been in the service 5 or 6 years.
Geo. M. D. Read,	quarter master,	Has a protection, and has sailed out of New York and Philadelphia for several years.
William Mitchell,	seaman,	The greater number, if not all, had protections at the time of entering and being taken. Two others were detained....John Wade and Thomas Hutchins; but were given up, the former on captain Jones' assuring captain Barresford he knew him to be a native citizen: the latter on a like assurance from D. Rodgers.
James Gothright,	do.	
John Wright,	do.	
Thomas Phillips,	do.	
Peter Barron,	do.	
John Connor,	ordinary seaman,	
John Rose,	do.	
George Brooks,	do.	
Dennis Daugherty,	marine,	Wm. Mitchell was in the service during 1805 and 6, in the Mediterranean.

Washington city, December 17, 1812.

GEORGE S. WISE, purser.

C.

Extract of a letter from Major General Pinckney to the Secretary of War, dated

HEAD QUARTERS, CHARLESTON,
4th November, 1812.

"Information having been given upon oath to lieutenant Grandison, who at present commands in the naval department here, that six American seamen, who had been taken prisoners on board of our privateers, had been sent to Jamaica to be tried as British subjects for treason, he called upon the marshal to retain double that number of British seamen as hostages. The marshal, in consequence of instructions from the department of state, asked my advice on the subject, and I have given my opinion that they ought to be detained until the pleasure of the president shall be known. The testimony of captain Moon is herewith. I hope, sir, you will have the goodness to have this business put in the proper train to have the president's pleasure on this subject communicated to the marshal."

Copy of a letter from captain Moon, of the privateer Sarah Ann.

NASSAU, NEW PROVIDENCE,
14th October, 1812.

Six of my crew, claimed as British subjects, were this day taken out of jail and put on board his majesty's brig the Sappho, and sailed for Jamaica, where 'tis said they are to be tried for their lives; consequently I questioned each respectively as to the place of their nativity, and title to protection by the American government, when they stated as follows, to wit:

DAVID DICK, seaman, that he was born in the north of Ireland, but has resided in the United States ever since the year 1793; has served ten years in the United States' navy, viz. on board the frigates Chesapeake, President, Constitution, John Adams, and schooner Enterprize, and gun boat No. 2. David Dick, shoemaker, in Alexandria, is his uncle. Dick is about five feet six and a half inches high, dark hair, has a scar on his left elbow, and one on each wrist; he entered on board the Sarah Ann in Baltimore.

JOHN GAUL, seaman, says he was born in Marblehead, state of Massachusetts, where his parents, brothers and sisters now reside; is married in New York, and his wife, (Mary Gaul) lives in Roosevelt street, No. 37; has a regular discharge from the navy of the United States by captain Hugh G. Campbell, dated at St. Marys, Georgia, 14th August, 1812; says he has served on board the United States' brig Vixen, gun boats No. 10 and 158, from the last of which he was discharged. Gaul is twenty-seven years of age, about five feet seven inches high, brown hair, light complexion; he entered on board the Sarah Ann in Baltimore.

MICHAEL PLUCK, od seaman, says he was born in Baltimore; his parents are dead, but he is known by William Doulan, Thomas Turner and M'Donald, of Baltimore; has a sister in some part of Pennsylvania, whose name is Ann Welsh, was never at sea before; never had a protection. Pluck is twenty-six years old, five feet six and a half inches high, and has a scar on his left cheek bone; entered on board the Sarah Ann at Baltimore.

THOMAS ROGERS, seaman, says he was born in Waterford, Ireland, but has resided many years in the United States, and has been duly naturalized, a copy of which naturalization is filed in the custom-house at Baltimore; is known by Joseph Carey and

Tom Rogers, cork cutter, both of Baltimore; has a wife and three children in Baltimore; has lost his protection, but requests Joseph Carey to do all he can to effect his discharge from the British. Rogers entered on board the Sarah Ann in Baltimore.

GEORGE ROBERTS, a colored man and seaman. This man I had not an opportunity of questioning; but I know him to be a native born citizen of the United States, of which fact he had every sufficient document, together with free papers. Roberts entered on board the Sarah Ann in Baltimore, where he is married.

SONTY TAYLOR, boy, says he was born in Hackensack, New Jersey, but has neither friends, relations, nor acquaintance there; says, Jane Snowden, of Savannah, Georgia, is his mother; never had a protection. Taylor is fifteen years old, has brown hair and light complexion; he entered on board the Sarah Ann in Savannah.

RICHARD MOON,

Late commander of the privateer Sarah Ann.

D.

Copy of a letter from Admiral Warren to Mr. Mitchell, agent for the exchange of American prisoners of war, dated

HALIFAX, 21st October, 1812.

SIR,

I have the honor to receive your letter and its enclosures relating to Thomas Dunn,* and beg leave to inform you, that it appears the said man is married

* Note. The application was made at the request of his father John Dunn, of Boston, who transmitted a deposition of his birth.

in England, has been eight years in his majesty's service, and received a pension from government: under these circumstances, and the man never having made any application for his discharge from prison, he continues on board the Statira.

I have the honor to be, sir,

Your most obedient humble servant,

(Signed) JOHN BORLASE WARREN.

E.

Extract of a letter from William H. Savage, late agent for American seamen and commerce at Jamaica, to the secretary of state, dated

WASHINGTON, Dec. 1, 1812.

"I take the liberty to enclose you copies of a correspondence which took place between vice Admiral Stirling (commanding on the Jamaica station) and myself, since the declaration of war. I should have furnished it you at an earlier period, but an accident prevented, which I was not aware of, until my arrival at this city."

No. 1.

Copy of my letter to vice Admiral Stirling, commanding on the Jamaica station, on the subject of American seamen after the declaration of war.

KINGSTON, JAMAICA,
6th August, 1812.

SIR,

Enclosed is a copy of a letter received by me yesterday from on board his majesty's ship Sappho,

purporting to have been written by four American seamen on board that ship, with a view to solicit my aid towards effecting their discharge, in consequence of the declaration of war by the government of the United States against Great Britain.

In making this application I am fully aware that my duties ceased as agent for the commerce and seamen of the United States on the knowledge of such declaration being made known here: but, sir, I am led to believe, that, at this period, it will not be deemed inadmissible on your part to receive, nor improper on mine to make the request, that you will be pleased to grant an order for the discharge of these seamen, feeling conscious, (should they even not be protected with the usual documents afforded to citizens of the United States) that an English seaman would not declare himself otherwise than such under existing circumstances.

I seize the present opportunity also to forward to you twenty-one documents as proof of the citizenship of that number of seamen, said to have been impressed by ships of war on this station, the greatest number of which have been heretofore unsuccessfully claimed by me, on behalf of the United States, and which may still comprise, at this time, some part of the crews of his majesty's ships on this station.

I beg further to state to you, that I have received numerous applications from on board various of his majesty's ships on this station for the relief of seamen, who I doubt not are entitled to the protection of the American government, many of them having with them the proofs of their citizenship, as I am led to believe from the assertions contained in their communications. Applications have also been made for the relief of many without success: the latter amount in number to forty six, as per list of names enclosed, several of whom I understand have been shifted (since their impressment) on board of other vessels than those they were at first taken on board of. All of

which I beg to offer for your consideration, feeling as I do anxious to extend my last efforts in behalf of those seamen who are entitled to them, and at the same time being impressed with the idea, that it would be foreign to you, sir, to retain any Americans in the service of the navy of Great Britain contrary to their disposition during the present conflict. I therefore take the liberty of adding to my former request, that you will be pleased to grant orders that such seamen may be discharged from duty on board his majesty's ships on this station.

With sentiments of the highest respect, &c.

(Signed) WILLIAM H. SAVAGE.

No. 2.

Copy of vice-admiral Stirling's secretary's letter in answer to mine to the vice-admiral of 6th August, 1812.

ADMIRAL'S PENN, Aug. 7, 1812.

SIR,

I am desired by vice-admiral Stirling to acknowledge the receipt of your letter of yesterday's date, and to acquaint you that directions were given some days ago, that all seamen in the squadron under his command, who can prove themselves to be American born subjects, should be sent to the prison ship until an exchange of prisoners is established between the two countries, in consequence of the late declaration of war by the United States against Great Britain.

I return herewith the papers which ascompanied your letter,

And am, sir, &c. &c.

(Signed) CHAS. STIRLING, jun. *Secretary.*

No. 3.

Extract of a letter from William H. Savage, esq. late agent for American seamen and commerce at Jamaica, to Charles Stirling, junr. esq. dated

KINGSTON, Sept. 16, 1812.

"In answer to my letter of the 6th ultimo, you were pleased to inform me that directions had been given by the vice-admiral some days prior to the date of my letter for the removal of all native Americans (who could prove themselves such) from on board H. M. ships to that of the prison-ship; but as some time has now elapsed since you were pleased to give me this information, and learning that some instances of detention at present exist on board H. M. schooner Decouverte, I am led to embrace the subject again, as in one instance I shall hope to satisfy vice-admiral Stirling of the man's being entitled to his removal from duty on board H. M. schooner of war. The person alluded to is Elijah Stirling, an American seaman, who was impressed from on board the British merchant ship Brilliant at the bay of Honduras in the early part of the year 1810, by H. M. schooner Flor del Mar, and has since been detained on board of various of H. M. ships on this station, although provided with a regular protection, which instrument this man got conveyed to me about the 20th of September following, and which was by me forwarded to admiral Rowley, accompanied (as usual in like cases) with a request that the man might be discharged. On the receipt of my letter the admiral answered through his secretary, that the nature of Stirling's impressment was such, that he could not comply with my request; but which answer was unaccompanied in return, with the protection in question, and what has become of it I am unable to say.

" About this period I was led to understand from admiral Rowley, that all American seamen who should be impressed from on board any British merchant vessel, would be retained in the service of his majesty, but that all American seamen who should be impressed from on board of American vessels, would, on application, accompanied by proof, be discharged. As this information was received about the period of my application for the discharge of Stirling, I was led to conclude it stampt the nature of his impressment, and what confirmed it in my mind was, that I received similar assurances to various applications made for American seamen, who had under various circumstances shipped on board of British ships, and were from thence impressed on board of H. M. ships of war, all of which I hope the admiral will be pleased to take into consideration; for, to insist on the service of this man, I think will be a dereliction to the marked manner of his amiable endeavors to distinguish and relieve American seamen from duty on board the squadron under his command. I beg to enclose a note from Mr. Meek (the late secretary) relative to my application for this man's discharge, and to observe, that if it is possible, the protection may yet be found among the papers of the late secretary, as it has not been usual to return me the protections of those men whose applications for discharge were not complied with.

I beg furthermore to observe, that there appears also to be on board his majesty's schooner Decouverte, two other American seamen, viz. John Englefield and Richard Lauderkin, the former of whom asserts that he served his apprenticeship to the trade of a cooper, at Boston, but has lost his protection; the latter declares himself to be a native of Rhode-Island, and that his protection has been destroyed by Mr. Olliver, commander of his majesty's schooner Decouverte. I shall not now animadvert on the impropriе-

ty of such a circumstance, but request, should the instances here cited be found correct, that they may meet the attention of the vice-admiral."

No. 4.

Extract of a letter from vice-admiral Stirling's secretary, to W. H. Savage, esq. in answer to his of the 16*th September*, 1812.

ADMIRAL'S PENN, 19th September, 1812.

"I have just received your letter of the 16th instant, which I have laid before vice-admiral Stirling, and I am directed to acquaint you, that Elijah Stirling, and other persons on board of his majesty's schooner Decouverte, said to be American seamen, have not, when called upon, produced proof of being subjects of the United States. They do not fall under the description of persons which I informed you in my letter of the 7th ult. were intended to be discharged from the king's service, and to be detained on board the prison ship until an exchange of prisoners takes place with America.

"The note from Mr. Meek, dated the 21st September, 1810, is returned herewith, and as it appears thereby that admiral Rowley thought the circumstances under which Elijah Stirling was impressed, did not permit him to be discharged, vice-admiral Stirling does not feel himself justified in attending to the man's wishes on a bare assertion. The protection you allude to is not to be found among admiral Rowley's papers left in this office."